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Chapter 17. City Liability*

State law reference(s)--Tort Liability Act, Act No. 170, Public Acts 1964 (M.S.A., § 3.996 et seq.).

Sec. 17.1. Notice to city of claim for negligent injury.

No action shall be brought against the city for any negligent injury to person or property unless brought within the period limited by law from the time such injury was sustained, nor unless the person or persons claiming to be so injured shall serve or cause to be served, within sixty (60) days after such injury shall have occurred, a notice in writing upon the Clerk, which notice shall set forth substantially the time and place of such injury, and the nature thereof, the manner in which it occurred, the extent of such injury so far as the same has become known, the names and addresses of the witnesses known at the time by claimant, and a statement that the person receiving such injury intends to hold the city liable for such damages as may have been sustained by him. No person shall bring any action against the city to recover for any negligent injury to person or property unless he shall also present to the Clerk his claim in writing and under oath, setting forth particularly the nature and extent of such injury and the amount of damages claimed by reason thereof, which claim shall be presented to the Council by the Clerk. It shall be a sufficient bar and answer in any court to any action or proceeding for the collection of any demand or claim against the city for any negligent injury that the notice of injury and the verified proof of claim, as in this section required were not presented and filed within the time and in the manner as herein provided.

Sec. 17.2. Notice to city of claim for injury arising from street defects.

The city shall not be liable in damages sustained by any person in the city, either to his person or property, by reason of any defective highway, street, bridge, sidewalk, crosswalk, or culvert, or by reason of any obstruction, ice, snow, or other incumbrance upon such street, sidewalk, crosswalk or public highway, situated in the city, unless such person shall serve or cause to be served, within sixty (60) days after such injury shall have occurred, a notice in writing, upon the Clerk, which notice shall set forth substantially the time and place of such injury, the nature of the defect, the manner in which it occurred, and the extent of such injury as far as the same has become known, the names and addresses of the witnesses known at the time by claimant, and a statement that the person receiving such injury intends to hold the city liable for such damages as may have been sustained by him. No person shall bring any action against the city for any damages to person or property arising out of any obstruction, ice, snow or other encumbrance upon such street, sidewalk, crosswalk or public highway, situated in the city, unless he shall also present to the Clerk his claim in writing and under oath, setting forth particularly the nature and extent of such injury and the amount of damages claimed by reason thereof, which claims shall be presented to the Council by the Clerk.

It shall be a sufficient bar and answer in any court to any action or proceeding for the collection of any demand or claim against the city, under this section, that the notice of injury and the

verified proof of claim, as in this section required, were not presented and filed within the time and in the manner as herein provided.

Sec. 17.3. No estoppel by representation.

No official of the city shall have power to make any representation or recital of fact in any franchise, contract, document, or agreement, contrary to any public record of the city. Any such representation shall be void and of no effect as against the city.